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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,144	10/13/2005	Hong Wang	678-1882 (P11360)	5612
28249	7590	02/08/2007	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. SUITE 702 UNIONDALE, NY 11553			REGO, DOMINIC E	
		ART UNIT		PAPER NUMBER
				2618
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	02/08/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/525,144	WANG ET AL.
	<b>Examiner</b> Dominic E. Rego	<b>Art Unit</b> 2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 October 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 14-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 08/22/05 and 9/21/06.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 14-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Rune et al. (US Patent Application Publication #2002/0025815).

**Regarding claim 14,** Rune teaches a channel type switching (Abstract) method for a multimedia broadcast and multicast service (MBMS) point to point (P-t-P) and point to multi point (P-t-M) channel, when a UE having MBMS service moves to a cell in a destination radio network controller (DRNC) (Paragraphs 0047 and 0049) that has an Iur interface with a serving radio network controller (SRNC) (Figure 1A, Iur interface between elements SRNC and drift-RNC), comprising the steps of:

determining in the DRNC, to perform switching channel type between a common channel and a dedicated channel based on a number of users having the MBMS service in the cell (Paragraphs 0055, 0059);

notifying the SRNC of the determined MBMS channel type from the DRNC (Paragraphs 0061 and 0062); and

transmitting MBMS data with the determined channel type to UEs requiting MBMS service (Paragraphs 0061 and 0062).

**Regarding claim 15**, Rune teaches the method, wherein said channel switching is at least determined based on comparing a number of UEs requiting MBMS service to a threshold (Paragraph 0066).

**Regarding claim 16**, Rune teaches the method, wherein said channel switching further comprises:

the SRNC transmitting a radio link setup request message to the DRNC including at least one MBMS service identifier (Paragraphs 0025 and 0061).

**Regarding claim 17**, Rune teaches the method, wherein said channel switching further comprises:

sending, by the SRNC, a message to the DRNC to request a radio link setup (Paragraph 0061);

determining, by the DRNC, a channel type at least based on a number of UEs that require MBMS service and informing the SRNC of the channel type (Paragraphs 0055, 0059); and

notifying the UE to reconfigure an MBMS channel (Paragraph 0061).

**Regarding claim 18**, Rune teaches the method, wherein said channel switching further comprises:

the SRNC sending a message to inquire about MBMS service type from the DRNC (Paragraph 0058 and 59);

the DRNC determining a channel type to be set up and informing the SRNC of the parameters of MBMS channel set up (Paragraphs 0061 and 0062);

the SRNC completing setting up a dedicated channel or obtaining common channel information from the DRNC (Paragraphs 0061 and 0062); and

the SRNC notifying a UE to reconfigure an MBMS channel via a radio resource control (RRC) message to complete channel switching (Paragraphs 0061 and 0062).

**Regarding claim 19,** Rune teaches the method, wherein said message transferred from the SRNC to the DRNC comprises an MBMS service identifier (Paragraph 0058), which enables the DRNC to count a number of MBMS users (Paragraph 0066).

**Regarding claim 20,** Rune teaches the method, wherein, if the UE is first in requesting MBMS service in the DRNC, the DRNC sets up a radio access bearer (RAB) connection with a core network (Paragraphs, 0041,0046, 0048 and 0061).

**Regarding claim 21,** Rune teaches a channel type switching method for a multimedia broadcast and multicast service (MBMS) point to point (P-t-P) and point to multi point (P-t-M) channel in a radio network Controller (Paragraphs 0047 and 0049), comprising:

checking a number of UEs in a cell to determine an MBMS channel type (Paragraph 0066);

determining the MBMS channel type by comparing the number of UEs that require MBMS service to a threshold (Paragraph 0066); and

reporting change of the MBMS channel type to a serving radio network controller (SRNC) (Paragraph 0066).

**Regarding claim 22**, Rune teaches the method, further comprising:  
receiving, at the SRNC, the MBMS channel type from a destination radio network controller (DRNC) (Paragraph 0061 and 0062); and  
transmitting a channel reconfiguration request message to the UE (Paragraph 0061 and 0062).

**Regarding claim 23**, Rune teaches a channel type switching method for a multimedia broadcast and multicast service (MBMS) point to point (P-t-P) and point to multi point (P-t-M) channel, comprising the steps of:

transmitting, from a serving radio network controller (SRNC), a radio link setup message to a destination radio network controller (DRNC) (Paragraph 58);  
transmitting, upon receiving the radio link setup message in the DRNC, an MBMS channel type to the SRNC (Paragraph 0061 and 0062);  
notifying, at the SRNC, a UE that requires MBMS service to reconfigure the MBMS channel type via a radio resource control (RRC) message (Paragraph 0061, 0062 and 0063);  
receiving, at the UE, the MBMS channel type (Paragraph 0061, 0062 and 0063);  
and  
receiving MBMS data on an MBMS channel using the MBMS channel type, wherein the MBMS channel type is one of a dedicated channel or a common channel which is received by a plurality of UEs (Paragraph 0061, 0062 and 0063).

**Regarding claim 24,** Rune teaches the method, wherein the radio link setup message comprises an MBMS service identifier (Paragraphs 0025 and 0061).

**Regarding claim 25,** Rune teaches a data communication channel establishment method for setting up multimedia broadcast/multicast service (MBMS) with a core network (CN) via a destination radio network controller (DRNC), when a UE moves to a cell controlled by the DRNC (Figure 1B), comprising the steps of:

a serving radio network controller (SRNC) sending a message to the DRNC (Paragraph 0058);

the DRNC sending an MBMS service request message to the CN (Figure 1B and Paragraph 0046, 0061, and 0062);

the CN requesting to set up a data connection with the DRNC (Figure 1B and Paragraph 0046 and 0058); and

the DRNC sending a response message to the CN (Figure 1B and Paragraphs 0061 and 0062).

**Regarding claim 26,** Rune teaches the method, wherein the step of the SRNC sending messages to the DRNC comprises sending a MBMS service identifier (Paragraphs 0025 and 0061).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sarkkinen et al. (US Patent Application Publication #2003/0134653) teaches network initialized packet data protocol context activation for multicast/broadcast service.

Hurtta (US Patent Application Publication #2005/0151840) teaches method and system for setting up a multicast or broadcast transmission.

Koulakiots et al. (US Patent Application Publication #2004/0081192) teaches transmission of multicast and broadcast multimedia service via a radio interface.

Sarkkainen et al. (US Patent Application Publication #2003/0157949) teaches method and system for a multicast service announcement in a cell.

Li (US Patent Application Publication #2002/0077087) teaches communication system having implemented point-to-multipoint-multicast function.

Naghian (US Patent #7,031,722) teaches method for positioning a mobile station.

Serna et al. (US Patent Application Publication #2006/0176872) teaches routing method and network structure.

Van Lieshout et al. (US Patent Application Publication #2005/0221849) teaches transport of radio network-originated control information.

Mikola et al. (US Patent Application Publication #2002/0107019) teaches resetting signaling link upon SRNS relocation procedure.

Longoni et al. (US Patent Application Publication #2005/0021601) teaches method system and network element for addressing a cell related server.

Palkisto et al. (US Patent Application Publication #2004/0102200) teaches paging method and system for a radio access network.

Niemela et al. (US Patent Application Publication #2004/0209618) teaches optimizing data transfer in radio system.

Naghian et al. (US Patent Application Publication #2004/0102194) teaches handover in cellular communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic E. Rego whose telephone number is 571-272-8132. The examiner can normally be reached on Monday-Friday, 8:30 am-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dominic E. Rego



PHILIP J. SOBUTKA  
PATENT EXAMINER